

accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of a State.

(b) The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be available for public inspection during business hours at the principal office of the Corporation. The above shall not be construed to limit the authority of the General Accounting Office to conduct such audits of the Corporation as deemed necessary.

(c) The Corporation may require from every State, an annual report conducted in accordance with generally accepted accounting standards by independent certified public accountants, who are certified by a regulatory authority of the State, with respect to funds received from the Corporation. The Comptroller General of the United States shall have access to such reports and may, in addition, inspect the books, accounts, records, files, and all other papers or property belonging to or in use by the State which relate to the disposition or use of funds received from the Corporation.

#### RIGHT TO APPEAL, ALTER, OR AMEND

SEC. 9. The right to repeal, alter, or amend this Act at any time is expressly reserved.

#### APPLICABILITY OF OTHER PROVISIONS OF LAW

SEC. 10. (a) In the absence of specific reference to this Act, the provisions of the Economic Opportunity Act of 1964, as amended (and references to that Act in other statutes) shall not be construed to affect the powers and activities of the Corporation or to have an applicability with respect to programs and activities assisted by Corporation grants.

(b) Title X of the Economic Opportunity Act of 1964 is repealed.

#### EFFECTIVE DATE

SEC. 11. (a) Except as provided in subsection (b) this Act shall take effect on the date of its enactment.

(b) Section 10(b) of this Act shall take effect on (1) the date of incorporation of the Federal Legal Aid Corporation, or (2) the date on which the first appropriation after incorporation becomes available to the Corporation, whichever is later.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, as to the time of the rollcall vote, the Senator from North Carolina is entirely pliable—whatever is convenient for the Senate.

I say to the majority leader that if he wishes to recess now, that suits me just fine.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. I thank the distinguished Senator from North Carolina.

Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

There being no objection, at 12:15 p.m. the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 1:40 p.m., when called to order by the Presiding Officer (Mr. MELCHER).

#### CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate proceed to the consideration of three measures that have been cleared for consideration by unanimous consent, and that the Senate proceed to the consideration of Calendar Order Nos. 431, 444, and 445.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, all three of these items have been cleared on our calendar, and we have no objection to proceeding with them.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNATIONAL EMERGENCY ECONOMIC POWERS LEGISLATION

The Senate proceeded to consider the bill (H.R. 7738) with respect to the powers of the President in time of war or national emergency, which had been reported from the Committee on Banking, Housing, and Urban Affairs with amendments as follows:

On page 2, beginning with line 17, insert the following:

(c) The termination and extension provisions of subsection (b) of this section supercede the provisions of section 101(a) and of title II of the National Emergencies Act to the extent that the provisions of subsection (b) of this section are inconsistent with those provisions.

On page 2, line 22, strike "(c)" and insert "(d)":

On page 6, line 6, strike:

uncompensated transfers of anything of value except to the extent that the President determines that such transfers (A) would seriously impair his ability to deal with the unusual and extraordinary threat which is the basis for the exercise of authorities under this title, and insert in lieu thereof; donations, by persons subject to the jurisdiction of the United States, of articles, including food, clothing, and medicine, intended to be used solely to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his authority to deal with any national emergency declared under section 202 of this title.

On page 8, beginning with line 20, strike through and including page 9, line 13:

On page 9, line 15, strike "207" and insert "206":

On page 10, line 2, strike "208" and insert "207":

On page 11, beginning with line 18, insert the following:

SEC. 208. If any provision of this Act is held invalid, the remainder of the Act shall not be affected thereby.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-466), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

#### PURPOSE OF THE BILL

The purpose of the bill is to revise and delimit the President's authority to regulate international economic transactions during wars or national emergencies. The bill is a response to two developments: first, extensive use by Presidents of emergency authority under section 5(b) of the Trading With the Enemy Act of 1917 to regulate both domestic and international economic transactions related to a declared state of emergency, and second, passage of the National Emergency Act of 1977 which provides safeguards for the role of Congress in declaring and terminating national emergencies, but exempts section 5(b) of the Trading With the Enemy Act from its coverage.

Four national emergency declarations were in effect prior to passage of the National Emergencies Act of 1976: President Roosevelt's declaration in 1933 to cope with the banking crisis; President Truman's declaration in 1950 during the Korean War; President Nixon's declaration in 1970 to deal with the Post Office strike and his declaration of a balance of payments crisis in 1971. An emergency declaration may be used by the President in conjunction with section 5(b) of the Trading With the Enemy Act to regulate domestic or international economic transactions or control property for an indefinite period. Such emergency authority was used by President Johnson to place controls on U.S. direct investment abroad in 1960 (controls which continued until 1974), by President Nixon to impose a 10-percent surcharge on U.S. imports from August to December 1971, and most recently by President Ford to extend controls and regulation issued under the Export Administration Act when that act lapsed temporarily between September 30, 1976 and June 22, 1977. President Johnson's action was based on the continuing emergency declared during the Korean War. Presidents Nixon and Ford based their actions on the Korean emergency and the 1971 balance of payments emergency.

The National Emergencies Act of 1976 terminated emergency authority existing under declarations of national emergency in effect on September 14, 1976, the date the act became law, and specified the manner in which future national emergencies are to be declared and terminated, and emergency authorities to be exercised. Section 5(b) of the Trading With the Enemy Act was excluded from coverage by the National Emergencies Act. The act instructed Congress to study section 5(b) and propose such revisions as might be found necessary.

Exclusion of section 5(b) reflected concern for preserving existing regulations imposed under emergency authority, including the following:

(1) the foreign assets control regulations, which block the assets of, and limit transactions with, the People's Republic of China, North Korea, Vietnam, and Cambodia;

(2) the Cuban asset control regulations, which block the assets of, and limit transactions with, Cuba;

(3) the transaction control regulations which prohibit U.S. persons from participating in shipping strategic goods to any of the following countries: Albania, Bulgaria, People's Republic of China, Cambodia, Czechoslovakia, German Democratic Republic and East Berlin, Hungary, North Korea, Outer Mongolia, Poland and Danzig, Romania, the Soviet Union, North Vietnam and South Vietnam; and

(4) the foreign funds controls regulations, which continue World War II blockage of the assets of Czechoslovakia, Estonia, the German Democratic Republic, Latvia, Lithuania, and their nationals.

#### EX-PRISONERS OF WAR, INC.

The bill (S. 1590) to incorporate the American Ex-Prisoners of War, Incorporated, was announced as next in order.

Mr. DOMENICI. Mr. President, S. 1590 is more than tribute to this Nation's brave heroes who have endured the agony of internment by the enemies of this Nation; for the National Organization of American Ex-Prisoners of War, Inc. exists for the purpose of honoring their country and serving their comrades and their loved ones who are disabled or disadvantaged as a result of service to our country.

In order to be effective in this mission, the American ex-prisoners of war need accreditation by the Veterans' Administration—a status which requires a Federal charter. This bill will provide them with such a charter.

I wish to take a moment to express my gratitude to the distinguished chairman of the Judiciary Committee, Mr. EASTLAND, for his prompt and expeditious attention to this worthy cause. Also, my colleagues and cosponsors, Senators THURMOND, GOLDWATER, and CHILES, should be commended for their zeal in aiding the cause of these patriots and their unique problems.

To the 5,000 ex-prisoners of war, may this be a reaffirmation of this country's gratitude for the suffering and indignity you endured.

**THE PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill (S. 1590) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following persons: Mel Madero, Albuquerque, New Mexico; Henry Goodall, Houston, Texas; Memory Cain, Santa Barbara, California; Delmar Spivey, Largo, Florida; Robinson Risner, Oklahoma City, Oklahoma; George E. Day, Eglin Air Force Base, Florida; Charles Morgan, San Antonio, Texas; Joseph G. Schisser, San Leon, Texas; Herman Molen, Las Vegas, Nevada; Joseph B. Upton, Saint Louis, Missouri; Edgar Van Valkenburg, Saint Petersburg, Florida; Pauline Brown, Tampa, Florida; Joseph R. Perry, Anaheim, California; Thornton E. Hamby, Arlington, Texas; Harry E. Steen, El Paso, Texas; Carl Allen, Macon, Georgia; James Atwell, Winter Park, Florida; Jack Aldrich, Albuquerque, New Mexico; Ernest Armijo, Los Lunas, New Mexico; William Mattson, Cheshire, Oregon; Donald T. Morgan, Tacoma, Washington; Eugene J. Shannahan, Williamsburg, Iowa; Stanley G. Sommers, Marshfield, Wisconsin;

Anna Bressi, Mechanicsburg, Pennsylvania; Felix Stankus, Ipswich, Massachusetts; Jack D. Warner, Hammon, Oklahoma; Harold L. Page, Buckley, Washington; John Romine, Muskogee, Oklahoma; Albert W. Braun, Phoenix, Arizona, and their successors, are created and declared to be a body corporate by the name of the "American Ex-Prisoners of War, Incorporated" (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations, and restrictions contained in this Act.

#### COMPLETION OF ORGANIZATION

Sec. 2. The persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary to carry out the provisions of this Act.

#### OBJECTS AND PURPOSES OF CORPORATION

Sec. 3. The objects and purposes of the corporation shall be—

- (1) to encourage fraternity for the common good;
- (2) to foster patriotism and loyalty;
- (3) to assist the widows and orphans of deceased ex-prisoners of war;
- (4) to assist ex-prisoners of war who have been injured or handicapped as a result of their service;
- (5) to maintain allegiance to the United States of America;
- (6) to preserve and defend the United States from all of her enemies; and
- (7) to maintain historical records.

#### CORPORATE POWERS

Sec. 4. (a) The corporation shall have power—

- (1) to sue and be sued, complain, and defend in any court of competent jurisdiction;
  - (2) to adopt, alter, and use a corporate seal;
  - (3) to appoint and fix the compensation of such officers, directors, trustees, managers, agents, and employees as its business may require;
  - (4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
  - (5) to contract and be contracted with;
  - (6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;
  - (7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;
  - (8) to transfer, encumber, and convey real or personal property;
  - (9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;
  - (10) to adopt, alter, use and display such emblems, seals, and badges as it may adopt; and
  - (11) to do any and all lawful acts and things necessary and proper to carry out its objects and purposes.
- (b) For the purpose of this section, the term "State" includes the District of Columbia.

#### PRINCIPAL OFFICE; SCOPE OF ACTIVITIES DISTRICT OF COLUMBIA AGENT

Sec. 5. (a) The principal office of the corporation shall be located in Tampa, Florida, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

#### MEMBERSHIP; VOTING RIGHTS

Sec. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided by this Act, be as set forth in the constitution and bylaws.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

#### BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

Sec. 7. (a) Upon the date of enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the following named persons: Mel Madero, Albuquerque, New Mexico; Charles Morgan, San Antonio, Texas; Joseph G. Schisser, San Leon, Texas; Herman E. Molen, Las Vegas, Nevada; Joseph B. Upton, Saint Louis, Missouri; Edgar Van Valkenburg, Saint Petersburg, Florida; Pauline Brown, Tampa, Florida; Joseph Perry, Anaheim, California; Thornton E. Hamby, Arlington, Texas; Charles Morgan, San Antonio, Texas; Harry E. Steen, El Paso, Texas; Carl Allen, Macon, Georgia; James Atwell, Winter Park, Florida; Jack Aldrich, Albuquerque, New Mexico; Ernest Armijo, Los Lunas, New Mexico; William Mattson, Cheshire, Oregon; Donald T. Morgan, Tacoma, Washington; Eugene Shannahan, Williamsburg, Iowa; Stanley G. Sommers, Marshfield, Wisconsin; Anna Bressi, Mechanicsburg, Pennsylvania; Felix Stankus, Ipswich, Massachusetts.

(b) Thereafter the board of directors of the corporation shall consist of such number as shall be selected in such manner, and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board of directors shall be responsible for all finances of the corporation.

#### OFFICERS; ELECTION OF OFFICERS

Sec. 8. (a) The officers of the corporation shall be commander, senior vice commander, three junior vice commanders, adjutant, treasurer, and the national directors. The duties of the officers shall be as prescribed by the constitution and bylaws.

(b) Officers shall be elected annually at the annual meeting of the corporation.

#### USE OF INCOME; LOANS TO OFFICERS, DIRECTORS OR EMPLOYEES

Sec. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however,